



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

05/H  
16 December 2005  
(05/H - 03/A)

**IN THE APPEALS CHAMBER**

**Before:** Judge Fausto Pocar, Presiding Judge  
**Registrar:** Mr. Adama Dieng  
**Decision of:** 16 December 2005

Aloys SIMBA

ICTR Appeals Chamber  
Date: 16 December 2005  
Action: R.J.  
Copied To: Sec. Prop. of Sentence  
13/12/05

**THE PROSECUTOR**

Case No. ICTR-01-76-A

**DECISION ON MOTION FOR EXTENSION OF TIME FOR FILING OF  
NOTICE OF APPEAL**

**Counsel for the Prosecution**

Mr. Richard Karegyesa  
Mr. William T. Egbe  
Mr. Sulaiman Khan  
Mr. Ignacio Tredici  
Ms. Amina Ibrahim

**Counsel for the Appellant**

Mr. Sadikou Ayo Alao  
Ms. Beth Lyons

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS  
NAME / NOM: KEFA KUMELIR A. APANDE  
SIGNATURE: [Signature] DATE: 16/12/2005

DA/H

I, **FAUSTO POCAR**, Presiding Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, between 1 January 1994 and 31 December 1994 ("International Tribunal"),

**BEING SEISED OF** the "*Requête en extrême urgence de la Défense en vue d'obtenir un report de délai pour le dépôt de son Acte d'appel contre le Jugement de la Première chambre du TPIR rendu le 13 décembre 2005 (Article 116 B) du RPP*", filed confidentially by Counsel for Aloys Simba ("Appellant") on 14 December 2005 ("Motion"), in which the Appellant requests that, pursuant to Rules 116 (B) and 108 of the Rules of Procedure and Evidence of the International Tribunal ("Rules"), the time limit for filing his Notice of Appeal be extended by thirty days from the date on which the Trial Judgement is served on him and on his Counsel in French;<sup>1</sup>

**NOTING** that on 13 December 2005, Trial Chamber I of the International Tribunal pronounced judgement against the Appellant and issued its reasoned opinion in English ("Trial Judgement");

**NOTING** the Appellant's submission that he is unable to effectively exercise his right to seek an appeal of the Trial Judgement within the time prescribed by Rule 108 because the Trial Judgement has yet to be translated into French, the language understood and spoken by the Appellant and his Counsel;

**NOTING** that the Prosecution did not file a response to the Appellant's Motion;

**NOTING** that in the *Kamuhanda* and *Muhimana* cases, the Appeals Chamber granted an extension of time of thirty days from the date of the filing of the French translation of the judgement for filing the Notice of Appeal;<sup>2</sup>

**CONSIDERING** that under Rule 108 of the Rules, "[a] party seeking to appeal a judgement or sentence shall, not more than thirty days from the date on which the judgement or the sentence was pronounced, file a notice of appeal, setting forth the grounds . . . .";

**CONSIDERING** that Rule 116 of the Rules provides that:

(A) The Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause.

<sup>1</sup> Motion, paras. (iv), 2.

<sup>2</sup> *Kamuhanda v. The Prosecutor*, ICTR-99-54A-A, *Decision on Motion for Extension of Time for Filing of Notice of Appeal and Appellant's Brief Pursuant to Rules 108, 111, 115 and 116 of the Rules of Procedure and Evidence*, 8 March 2004 ("Kamuhanda Decision"); *Muhimana v. The Prosecutor*, ICTR-95-1B-A, *Decision on Motion for Extension of Time for Filing of Notice of Appeal*, 2 June 2005 ("Muhimana Decision").

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(B) Where the ability of the accused to make full answer and defence depends on the availability of a decision in an official language other than that in which it was originally issued, that circumstance shall be taken into account as a good cause under the present Rule;

**CONSIDERING** that pursuant to Article 31 of the Statute of the International Tribunal, "[t]he working languages of the International Tribunal for Rwanda shall be English and French";

**FINDING** that the Appellant has established "good cause" within the meaning of Rule 116 of the Rules for extending the deadline for the filing of his Notice of Appeal to thirty days from the date of the filing of the French version of the Trial Judgement in this case so as to allow the Appellant's Counsel time to fully acquaint himself and the Appellant with the Trial Judgement in preparing the Notice of Appeal;

**FOR THE FOREGOING REASONS:**

**GRANT** the Motion;

**AND ORDER** the Appellant to file his Notice of Appeal no more than thirty days from the date of the filing of the French translation of the Trial Judgement;

**DIRECT** the Registrar to provide the French translation of the Trial Judgement to the Appellant and his Counsel within sixty days; and

**DIRECT** the Registrar to inform the Appeals Chamber when the French translation of the Trial Judgement has been served on the Appellant and his Counsel.

Done in English and French, the English text being authoritative.



Fausto Pocar  
Presiding Judge

Done this 16th day of December 2005,  
At The Hague,  
The Netherlands.



[Seal of the Tribunal]